



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street, 3rd floor  
New York, New York 10007

July 9, 2021

**BY ECF**

The Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Upon the parties' request, the hearing scheduled for July 12, 2021, is hereby adjourned until further notice. The parties are hereby ordered to submit a proposed briefing schedule by Tuesday, July 13, 2021.

SO ORDERED.

/s/ Hon. Alvin K. Hellerstein  
July 9, 2021

Re: Gomez Dubon v. Decker, 19-cv-8863 (AKH)

Dear Judge Hellerstein:

This Office represents the government in the above-referenced habeas action, which was closed in October 2019 after the Court granted the habeas petition. ECF Nos. 11, 12. Shortly after 12:00 p.m. today, the petitioner filed a “motion to enforce” the Court’s October 2019 judgment (ECF No. 16), along with a motion for an order to show cause, a temporary restraining order, and a preliminary injunction, seeking in part to enjoin the government from detaining the petitioner following his check-in interview scheduled for Monday, July 12, 2021 at 8:00 a.m. (ECF No. 17).<sup>1</sup> Shortly after the petitioner filed his eleventh-hour emergency motion, the Court issued an order setting a telephonic hearing at 3:00 p.m. on Monday, July 12, and enjoining ICE from detaining the petitioner “prior to the hearing or any adjournment thereof.” ECF No. 19. I write respectfully to request that the Court adjourn the July 12 hearing to a date to be determined, and that the Court permit the parties to confer on and submit a proposed briefing schedule by Tuesday, July 13, 2021.

The government respectfully submits that the Court should adjourn the July 12 hearing because that hearing is no longer necessary. While the purported urgency to be heard was created by petitioner’s failure to pursue relief before the last-minute, in light of the Court’s injunction restraining ICE from detaining the petitioner before a hearing at 3:00 p.m. on July 12, ICE has noted that, while it will still interview the petitioner on the morning of July 12, it will schedule the petitioner for another check-in, likely on August 27, 2021. ICE has informed me that it will not seek to re-detain the petitioner until at least the August 27 report date unless he commits a crime. Thus, there is no longer an emergency, purported or actual, and so the Court should adjourn the July 12 hearing until a date after the parties complete briefing on the petitioner’s motion and before the rescheduled interview date. The petitioner takes no position on this request.

And as for briefing, the government respectfully requests that the parties be permitted to confer on and submit a proposed briefing schedule by Tuesday, July 13, 2021.

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<sup>1</sup> ICE issued a notice on June 8 directing the petitioner to appear for an interview on July 12, which follows a decision by the Board of Immigration Appeals (“BIA”) in November 2020, concluding that ICE had met its burden of demonstrating by clear and convincing evidence that the petitioner is a danger to the community and a flight risk, and that he should be detained without bond. ICE had not yet decided whether it would re-detain the petitioner after his interview on Monday.

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I thank the Court for its consideration of these request.

Respectfully,

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cc: Counsel of record (by ECF)